

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**In Re: AUTOMOTIVE PARTS
ANTITRUST LITIGATION**

: Master File No. 12-md-02311
: Honorable Marianne O. Battani
:

In Re: All Auto Parts Cases

: 2:12-MD-02311-MOB-MKM
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**THIS DOCUMENT RELATES TO:
ALL AUTO PARTS CASES**

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**CERTAIN SERVING PARTIES' EX PARTE MOTION FOR LEAVE
TO FILE A REPLY MEMORANDUM NOT TO EXCEED 21 PAGES
IN FURTHER SUPPORT OF THEIR MOTION TO COMPEL DISCOVERY FROM
NON-PARTY ORIGINAL EQUIPMENT MANUFACTURERS**

Pursuant to Local Rule 7.1(d)(3), Automobile Dealer Plaintiffs (“Plaintiffs”) submit this *Ex Parte* Motion for Leave to File a Reply Memorandum Not to Exceed 21 Pages in Support of their Motion To Compel Discovery From Non-Party Original Equipment Manufacturers.

Plaintiffs seek leave to file a reply memorandum of up to 21 pages (in 12 point font).

In support of their motion for leave to file a reply memorandum not to exceed 21 pages, Plaintiffs state as follows:

1. Local Rule 7.1(d)(3) provides for a 7-page limit for reply briefs.
2. Plaintiffs’ Reply Memorandum provides responses to arguments made in two separate briefs, by two sets of parties: Defendants in their Opposition Memorandum, and Specified Subpoenaed Entities (“SSEs”) in their Opposition Memorandum. The extra pages sought are necessary for Plaintiffs to fully and accurately respond to Defendants’ and SSEs’ various arguments. Had Plaintiffs filed one brief in response to each brief asserting arguments in opposition to Plaintiffs’ motion, Plaintiffs would be permitted a total of 14 pages. Thus, a request for 21 pages is not a significant increase.
3. Both sets of parties filing opposing briefs made arguments not previously made to Plaintiffs and therefore not able to be addressed in Plaintiffs’ Motion.
4. Plaintiffs attempted to limit the pages of their memorandum without sacrificing clarity and/or its ability to address the factual and legal issues. Plaintiffs need 21 pages in order to cogently address Defendants’ and SSEs’ arguments.
5. The Court and the Master have shown a willingness to extend page length when necessary to fully address the relevant issues.
6. The Court has previously permitted Defendants to file reply briefs that were 35 pages in length, in support of their motions to dismiss.

7. Due to the extreme importance of the issues, as well as the relevance of the information requested in the Subpoena, which Plaintiffs will be able to issue only once in this litigation, Plaintiffs believe that it is imperative that they be permitted to fully set forth their position to the Master.

For the reasons set forth above, Plaintiffs respectfully request that the Master enter an Order granting Plaintiffs' *Ex Parte* Motion for Leave to File a Reply Memorandum Not to Exceed 21 Pages.

Date: March 11, 2016

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on March 11, 2016 I electronically filed the foregoing papers with the Clerk of the Court using the ECF system which will send electronic notices of same to all counsel of record.

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